

**E
X
H
I
B
I
T

1**

EXHIBIT 1

Jason Barrat; AZ Bar No. 029086
James Weiler; AZ Bar No. 034371
Kelsey Whalen; AZ Bar No. 037043
Jessica Miller; AZ Bar No. 031005

WEILER LAW PLLC
5050 N. 40th St., Suite 260
Phoenix, AZ 85018
Tel & Fax: 480.442.3410
www.weilerlaw.com
jbarrat@weilerlaw.com
jweiler@weilerlaw.com
kwhalen@weilerlaw.com
jmiller@weilerlaw.com

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Jason Fritch, an Arizona resident;

Plaintiff,

v.

**Orion Manufactured Housing
Specialists, Inc.**, an Arizona company;
and **L. James Miller**, an Arizona resident;

Defendants.

Case No. 4:21-cv-00509-JGZ-JR

DECLARATION OF JASON BARRAT

(Assigned to the Hon. Jennifer G. Zipps)

1. I am counsel of record for Plaintiff Jason Fritch in the above-entitled action.
I have been the principal attorney involved in this case since our consultation on December 6, 2021.

2. I submit this Declaration in support of Plaintiff's Motion for Award of Attorneys' Fees.

3. I have been a member in good standing of the State Bar of Arizona for over

1 eleven and-a-half years since being admitted to the bar in January 2012. During my entire
2 tenure as a litigator, my full practice has been devoted to plaintiff wage and hour
3 employment law. I have litigated approximately two hundred lawsuits for employees
4 during this time frame. All of my cases are on a contingency basis.

6 4. I attended The Ohio State University for undergrad from 2002-2007, and
7 successfully earned my bachelor's degree in Computer Information Science. Following
8 undergrad, I earned my *Juris Doctor* from Thomas M. Cooley Law School in 2011 and
9 Master of Business Administration from Oakland University in 2012. I passed the Arizona
10 bar in 2011 and was licensed to practice law in January 2012.

12 5. I began practicing employment law and have represented numerous
13 employment litigation plaintiffs in both Superior Court and the Federal Court for the
14 District of Arizona. I am also licensed to practice in the United States District Court for
15 the Northern District of Illinois. I was licensed to practice in the United States Court of
16 Appeals for the Ninth Circuit in December 2015.

18 6. I am one of two partners of a law firm located in Phoenix, Arizona, with five
19 attorneys (including myself). My law firm, Weiler Law PLLC, focuses primarily on
20 plaintiffs' employment litigation and wage and hour claims.

22 7. I acted as lead counsel for the entirety of this matter. As lead counsel, I was
23 responsible for the day-to-day activities of the lawsuit including correspondence, drafting
24 pleadings, discovery, and motions. I was the primary attorney involved in case strategy as
25 well.

27 8. From the outset, the prosecution of any FLSA case involves significant
28 financial risks for counsel. I undertook this matter solely on a contingent basis, with no

1 guarantee of recovery of fees or even reimbursement of costs, no guarantee as to the
2 potential duration of this litigation, and no guarantee that after a judgment that we will be
3 able to collect.

4
5 9. While attorneys who regularly represent corporations are routinely paid on
6 an hourly basis, plaintiffs in wage and hour cases can rarely afford representation on an
7 hourly basis, at least not representation by a firm that is well known for achieving good
8 results. It is for that reason that The Weiler Law PLLC agreed to litigate this case on a
9 wholly contingent basis.

10
11 10. I have not received any payment for accrued attorneys' fees or costs.
12 Although the Plaintiff in this case was never obligated to pay an hourly rate, my hourly
13 rate is \$400 per hour. This hourly rate is commensurate with my experience level, and is
14 well within the standard hourly rates charged by other law firms in the Phoenix
15 Metropolitan Area, particularly given the skill level and time commitment required to
16 successfully litigate a FLSA lawsuit.

17
18 11. All attorneys at my firm maintain detailed daily time records on behalf of our
19 clients. Such time is recorded in 1/10th of an hour increments. Each time record is
20 maintained on the firm's computers, the firm's network, and then is backed-up online. All
21 fee records are prepared contemporaneously with the time or expense that is being billed.

22
23 12. I have personally rendered all of the services reflected in the Billing
24 Summaries under the initial "JB" (attached hereto as "**Exhibit 5**"). Those Billing
25 Summaries reflect the date that the service was rendered; a description of the work actually
26 performed; and the amount of time expended (in tenths of an hour).

27
28 13. As reflected in the summaries and **Exhibit 5**, my legal fees incurred in this

1 case total 115 hours at \$400 per hour to equal \$46,000.

2 14. Some of the entries included in **Exhibit 5** contain general descriptions of the
3 work performed and were prepared for the purpose of protecting attorney-client
4 communications.
5

6 15. The time reflected in the attached Billing Summaries do not represent all time
7 expended on the case. Some of the time spent was never entered onto timesheets or
8 eliminated in a review of the billing summaries, including time spent reviewing matters or
9 research and time spent thinking about the case away from the office. An effective “write
10 down” has therefore occurred such that the total amount of time spent has not been
11 summarized in the attached billing statement. I estimate the reduction of time was
12 approximately 10-15% of the total time actually recorded on the final attached billing
13 summary.
14
15

16 16. During the pendency of this case, my firm has employed no less than three
17 support staff personnel that have assisted in the prosecution of this matter. The support
18 staff have, *inter alia*, prepared correspondence, organized and filed pleadings, docketed
19 and calendared deadlines, and communicated status updates to clients. The support staff
20 has conservatively spent approximately 30 hours working on this case. The support staff
21 time is not reflected in the Billing Summaries because I have decided to write off this time
22 in its entirety. At a paralegal/support staff rate of \$100 per hour, the potential billable
23 support staff time would equal \$3,000.
24
25

26 17. During the course of my firm’s representation of Plaintiffs, I have exercised
27 billing judgment by striking items from this fee request that are duplicative, if any, or other
28 time for which the firm would not expect to be compensated.

1 18. In light of the foregoing, I request that the Court award my attorneys' fees in
2 the amount of **\$46,000**.

3 19. I declare under penalty of perjury that the foregoing is true and correct.
4

5
6 RESPECTFULLY SUBMITTED August 1, 2023.

7 **WEILER LAW PLLC**

8
9 By: /s/ Jason Barrat

10 5050 N. 40th St., Suite 260

11 Phoenix, AZ 85018

12 Attorneys for Plaintiff
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WEILER LAW PLLC

5050 N. 40th St., Suite 260, Phoenix, AZ 85018
Tel & Fax: 480.442.3410 – info@weilerlaw.com